

## PATENT COOPERATION TREATY

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## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

## (PCT Article 36 and Rule 70)

Applicant's or agent's file reference <b>PWO051618</b>	<b>FOR FURTHER ACTION</b>	
See Form PCT/IPEA/416		
International application No. <b>PCT/US2004/034483</b>	International filing date (day/month/year) <b>18.10.2004</b>	Priority date (day/month/year) <b>16.10.2003</b>
International Patent Classification (IPC) or national classification and IPC <b>B65D83/04</b>		
Applicant <b>MEADWESTVACO CORPORATION et al.</b>		
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 9 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> <i>(sent to the applicant and to the International Bureau) a total of sheets, as follows:</i></p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> <i>(sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</i></p>		
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the opinion</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input checked="" type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input checked="" type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>		
Date of submission of the demand <b>16.08.2005</b>	Date of completion of this report <b>23.01.2006</b>	
Name and mailing address of the international preliminary examining authority:   European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer  Galli, M Telephone No. +49 89 2399-	



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**Box No. I Basis of the report**

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
  - This report is based on translations from the original language into the following language, which is the language of a translation furnished for the purposes of:
    - international search (under Rules 12.3 and 23.1(b))
    - publication of the international application (under Rule 12.4)
    - international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements\*** of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

**Description, Pages**

1-15 as originally filed

**Claims, Numbers**

1-24 as originally filed

**Drawings, Sheets**

1/4-4/4 as originally filed

a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing

3.  The amendments have resulted in the cancellation of:
  - the description, pages
  - the claims, Nos.
  - the drawings, sheets/figs
  - the sequence listing (*specify*):
  - any table(s) related to sequence listing (*specify*):
4.  This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
  - the description, pages
  - the claims, Nos.
  - the drawings, sheets/figs
  - the sequence listing (*specify*):
  - any table(s) related to sequence listing (*specify*):

\* If item 4 applies, some or all of these sheets may be marked "superseded."

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**Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability**

1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been examined in respect of:
  - the entire international application,
  - claims Nos. 6-14,19-24
    - because:
    - the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (specify):
    - the description, claims or drawings (*indicate particular elements below*) or said claims Nos. are so unclear that no meaningful opinion could be formed (specify):
    - the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.
  - no international search report has been established for the said claims Nos. 6-14,19-24
  - the nucleotide and/or amino acid sequence listing does not comply with the standard provided for in Annex C of the Administrative Instructions in that:
    - the written form  has not been furnished  does not comply with the standard
    - the computer readable form  has not been furnished  does not comply with the standard
  - the tables related to the nucleotide and/or amino acid sequence listing, if in computer readable form only, do not comply with the technical requirements provided for in Annex C-*bis* of the Administrative Instructions.
  - See separate sheet for further details

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**Box No. IV Lack of unity of invention**

1.  In response to the invitation to restrict or pay additional fees, the applicant has:
  - restricted the claims.
  - paid additional fees.
  - paid additional fees under protest.
  - neither restricted nor paid additional fees.
2.  This Authority found that the requirement of unity of invention is not complied with and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.
3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is
  - complied with.
  - not complied with for the following reasons:  
**see separate sheet**
4. Consequently, this report has been established in respect of the following parts of the international application:
  - all parts.
  - the parts relating to claims Nos. 1-5,15-18 .

**Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Yes: Claims	2-4,15-18
	No: Claims	1,5
Inventive step (IS)	Yes: Claims	
	No: Claims	1-5,15-18
Industrial applicability (IA)	Yes: Claims	1-5,15-18
	No: Claims	

2. Citations and explanations (Rule 70.7):

**see separate sheet**

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**Re Item IV.**

**IV.1.** The present application relates to several inventions or groups of inventions which are not so linked as to form a single general inventive concept and therefore do not comply with the requirements of PCT Rule 13.1, the different inventions being the following:

**Invention 1 - Claims 1-5, 15-18**

Apparatus for connecting and securing a unit dose pack comprising a frame having a locking element, a cover panel and a fold-over flap attached to a unit dose pack and method of resisting access to a blister pack.

**Invention 2 - Claims 6-11**

Foldable blister pack mounting card formed of contiguous panels and comprising two blister packs mounted to respective panels.

**Invention 3 - Claims 12-14**

Blister pack mounting card comprising means for detachably connecting the blister card to a receiving appendage.

**Invention 4 - Claims 19-24**

Mounted blister pack and method of mounting a blister pack, whereby the mounted blister pack comprises a blank panel with an aperture and a blister pack mounted to the panel such that a blister is aligned with the aperture.

**IV.2.** The only features common to independent claims 1 (Invention 1) and 6 (Invention 2) are those of a foldable blister pack mounting card formed of contiguous panels comprising a cover panel configured to engage a locking element and a fold-over flap (or panel) mounted to a unit dose pack (or blister pack).

These features are well known from the prior art, as disclosed by documents US-A-2003/0062287 or DE-A-2 107 692. Therefore, these features cannot be considered as special technical features (Rule 13.2 PCT).

The only features common to independent claims 1 or 15 (Invention 1) and 12 (Invention 3) are those of a flap (or panel) and a unit dose pack (or blister pack) mounted to the

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flap/panel.

These features are also known from the prior art documents US-A-2003/0062287 or DE-A-2 107 692. Therefore, these features cannot be considered as special technical features (Rule 13.2 PCT).

The only features common to independent claims 1 or 15 (Invention 1) and 19 or 22 (Invention 4) are those of a flap (or blank panel) and a unit dose pack (or blister pack) mounted to the flap/panel.

These features are also known from the prior art documents US-A-2003/0062287 or DE-A-2 107 692. Therefore, these features cannot be considered as special technical features (Rule 13.2 PCT).

The remaining features of the four inventions solve four different problems by means of different potentially special technical features.

The problem to be solved by the first invention can be construed as to provide a child-resistant apparatus.

The feature which solves this problem is the provision of a frame having a locking element which engages and secures the cover.

The problem to be solved by the second invention can be construed as to provide a blister pack mounting card which enables the mounting of two blister packs.

The feature which solves this problem is the provision of a second fold-over panel with a blister pack mounted to the second panel.

The problem to be solved by the third invention can be construed as to provide a blister pack mounting card that can be used in combination with a reusable container.

The feature which solves this problem is the provision of a blister pack mounting card comprising means suitable for detachably connecting the card to an appendage.

The problem to be solved by the fourth invention can be construed as to stiffen a blister pack in such a way that the products contained in the blisters can be easily dispensed.

The feature which solves this problem is the provision of a blank panel with at least an aperture, wherein the blister pack is mounted on the panel such that the blister is aligned

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with the aperture.

Since the problems to be solved by the four inventions and the features which solve these problems are different, the different technical features cannot be considered to be corresponding special technical features as required by PCT Rule 13.2 and the application does not comply with the requirements of Rule 13.1 PCT.

**Re Item V.**

**V.1. Reference is made to the following document:**

D1 : US 2003/062287 A1 (GELARDI JOHN A ET AL) 3 April 2003 (2003-04-03)

**V.2. INDEPENDENT CLAIM 1**

The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT.

**V.2.1. Document D1 discloses (the references in parentheses applying to this document):** an apparatus for connecting and securing a unit dose pack (see in particular paragraphs 15,16, 35,36 and fig. 1,2), comprising:

a first edge (edge of cover panel 3) foldably attached to a frame (12) having a locking element (tab 19);

a distal second edge (edge of fold-over flap 4) spaced apart from said first edge; a fold line (fold line between cover panel 3 and fold-over flap 4) positioned between and substantially parallel to one of said edges;

a cover panel (3), defined by said first edge and said fold line, configured to engage (by means of the slot 10) said locking element (19);

and a fold-over flap (4) defined by said second edge and said fold line, attached to a unit dose pack (see paragraphs 15, 35 and 36).

Hence, claim 1 is not new over D1.

**V.3. DEPENDENT CLAIMS 2-5**

Dependent claims 2-5 do not appear to contain any features which, in combination

with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step, since the features of these claims are either known from the available prior art (see in particular D1 for claims 4 and 5) or they are considered as being within the scope of the customary practice followed by persons skilled in the art, especially as the advantages thus achieved can be readily contemplated in advance.

#### **V.4. INDEPENDENT CLAIM 15**

The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 15 does not involve an inventive step in the sense of Article 33(3) PCT.

**V.4.1.** The document D1 is regarded as being the closest prior art to the subject-matter of claim 15, and discloses (the references in parentheses applying to this document): a method of resisting access to a blister pack (see in particular paragraphs 6,8,15,36 and fig.1), comprising the steps of:

providing a frame (12) comprising a plurality of edges (22,23) defining an interior, and at least one exterior locking flap (13);  
attaching a first exterior cover (6) adjacent to said frame that resists entry to said interior from a first side;  
mounting a blister pack, comprising at least one alveola and an adjacent protective backing, to a blister pack mounting card (see paragraph 6);  
attaching a removable second exterior cover (3) adjacent to said frame;  
positioning said blister pack within said interior and between said exterior covers;  
capturing a portion of the outside surface of said second cover (3) with said lock flap;  
and engaging said lock flap to secure said second cover (paragraph 36).

Since D1 discloses the possibility of providing individual panels (see paragraph 8) that can be attached to the locking element to form the package, the steps of attaching a first exterior cover and attaching a removable second exterior cover to the frame are at least implicitly disclosed in D1.

Further, D1 discloses (see paragraphs 6 and 15) the possibility that unit doses, such as blisters on a support, may be contained within the package interior in or on a structure as a card; hence the step of mounting a blister pack, comprising at least one alveola and an

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adjacent protective backing, to a blister pack mounting card is disclosed by D1.

The subject-matter of claim 15 therefore differs from this known method in that:  
an appendage is provided within said interior;  
a blister pack mounting card is connected to said appendage.

The problem to be solved by the present invention may therefore be regarded as to prevent the blister card from falling out from the container when the container is opened. This problem is solved by connecting the blister pack mounting card to an appendage within the interior of the container.

The solution proposed in claim 15 of the present application cannot be considered as involving an inventive step (Article 33(3) PCT) because the skilled person faced with the above mentioned problem would regard it as a straightforward option belonging to his common general knowledge to connect the card, e.g. by gluing, to a structure such as an appendage provided within the interior of the container disclosed in D1, thereby using a method according to claim 15.

**V.5. DEPENDENT CLAIMS 16-18**

Dependent claims 16-18 do not appear to contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step, since the features of these claims are either known from the available prior art (see in particular D1 for claim 16) or they are considered as being within the scope of the customary practice followed by persons skilled in the art, especially as the advantages thus achieved can be readily contemplated in advance.